

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Sheila Levy

v.

Case No. 10-cv-374-PB

Todd Lique

O R D E R

Plaintiff has filed a motion to amend seeking to add a fourth amendment claim that she was unlawfully detained without probable cause. There is no evidence in the record to suggest that plaintiff deliberately failed to include the new claim in her original complaint in an attempt to achieve a tactical advantage. Defendant will not suffer unfair prejudice if the motion is allowed. The court will permit discovery to be reopened if additional discovery is required to address the amended complaint. The court will also allow a continuance of the trial if defendant can demonstrate that a continuance is warranted. The court declines to address defendant's futility argument because it has not been properly briefed and instead authorizes defendant to challenge the amended complaint in a motion for summary judgment to be filed within 30 days.

The motion to amend (Doc. No. 59) is granted.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

July 10, 2012

cc: Stephen Martin, Esq.
Sheila Levy, pro se
Brian J. S. Cullen, Esq.